

U.S. Patent Application No. 10/052,900
Attorney Docket No. 1011/1

REMARKS

This amendment responds to the Office Action mailed July 8, 2009. Claims 1-11 were pending. Claims 1-11 remain pending.

Claims 1-11 Are Patentable Over Hare et al.

The Examiner rejected claims 1-11 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,850,900 to Hare et al. [hereinafter "Hare et al."]. The Examiner contends that Hare et al. discloses all of the elements recited in the claims at issue. While the Applicant respectfully disagrees with the Examiner's characterization of this reference vis-à-vis the claims at issue, the Applicant notes that he had previously submitted several affidavits under Rule 1.131 establishing an invention date of the present invention prior to the filing date of Hare et al., which had been accepted by the prior Examiner. Therefore, the Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 1-11 based on Hare et al.

CONCLUSION

The Applicant respectfully submits this application is in condition for allowance and requests issuance of a Notice of Allowance.

Although not believed necessary, the Office is hereby authorized to charge any fees required under 37 C.F.R. § 1.16 or § 1.17 or credit any overpayments to the deposit account of MICHAEL P FORTKORT PC, Deposit Account No. 50-3776.

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In the event the prosecution of this Application can be efficiently advanced by a phone discussion, it is requested that the undersigned attorney be called at (703) 435-9390.

Respectfully submitted,

By 
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Date: September 17, 2009

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